

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

STATE OF ALABAMA; and )  
MORRIS J. BROOKS, JR., Representative for )  
Alabama's 5th Congressional District, )  
Plaintiffs, )  
v. )  
UNITED STATES DEPARTMENT OF )  
COMMERCE; and WILBUR L. ROSS, in his )  
official capacity as Secretary of Commerce; )  
BUREAU OF THE CENSUS, an agency within the )  
United States Department of Commerce; and )  
STEVEN DILLINGHAM, in his capacity as )  
performing the non-exclusive functions and duties )  
of the Director of the U.S. Census Bureau, )  
Defendants, )  
and )  
COUNTY OF SANTA CLARA, CALIFORNIA; )  
KING COUNTY, WASHINGTON; and CITY OF )  
JOSÉ, CALIFORNIA, )  
DIANA MARTINEZ; RAISA SEQUEIRA; )  
SAULO CORONA; IRVING MEDINA; JOEY )  
CARDENAS; FLORINDA P. CHAVEZ; and )  
CHICANOS POR LA CAUSA, )  
Intervenor-Defendants. )

**OPPOSED MOTION TO INTERVENE  
AND MEMORANDUM IN SUPPORT THEREOF**

Arlington County, Virginia and the City of Atlanta, Georgia (collectively, “Applicants”), by and through their undersigned counsel, hereby respectfully move for permissive intervention as defendants pursuant to Rule 24(b) of the Federal Rules of Civil Procedure or, in the alternative, to intervene as of right under Rule 24(a). As set forth in the Declaration of John Lewis, counsel for Applicants contacted counsel for the parties and have determined that Defendants, the Martinez Defendant-Intervenors, and the Local Government Defendant-Intervenors do not oppose the motion, but Plaintiffs do oppose it. *See* Ex. 1. Applicants, who are represented by the same counsel as the Local Government Defendant-Intervenors, intend to adopt and join their pleadings, and in accordance with Rule 24(c), attach their previously filed answer as Ex. 2.

In support of their motion, Applicants adopt the arguments presented by the Local Government Defendant-Intervenors in their motion to intervene and supporting memorandum. *See* Doc. 9. As is the case with the Local Government Defendant-Intervenors, the omission of undocumented persons from the 2020 Census threatens to diminish substantially the millions of dollars in Census-based federal funding that Applicants use to provide their residents with services. *See* Ex. 3, Declaration of Elizabeth Hardy; Ex. 4, Declaration of Nina Hickson. Thus, Applicants similarly have a stake in this action sufficient to warrant intervention.

Most importantly, Applicants are entitled to permissive intervention under Rule 24(b) for the same reasons the Court gave in permitting the Local Government Defendant-Intervenors to intervene. *See* Doc. 53. To start, Applicants’ motion is timely: Applicants filed this motion just weeks after the Court denied the federal government’s motion to dismiss, *see* Doc. 85, and the

case remains in the preliminary stages.<sup>1</sup> Moreover, Applicants will jointly file all applicable motions and briefs with the Local Government Defendant-Intervenors (so that the Court receives a single motion or brief from the local government parties on any given issue), and agree to be bound by all scheduling and procedural orders that apply to the Local Government Defendant-Intervenors. Thus, permitting Applicants to intervene “will not delay the adjudication of the litigants’ rights or the judicial process as ‘the court [has] yet to take significant action.’” Doc. 53 at 4 (quoting *Georgia v. U.S. Army Corps of Engineers*, 302 F.3d 1242, 1259-60 (11th Cir. 2002)). In contrast, Applicants “have a personal stake in the outcome of this litigation, such that they would be prejudiced if intervention was not permitted.” *Id.* at 6. Applicants “also satisfy the commonality standard required by Rule 24(b),” because Applicants “argue that the Residence Rule is lawful under both the Constitution and the APA” and thereby “intend to submit *identical* questions of fact and law with the main action.” *Id.* Thus, Applicants are entitled to permissive intervention.

In the alternative, Applicants are entitled to intervene as of right under Rule 24(a)(2). For the reasons described in the Local Government Defendant-Intervenors’ motion to intervene, Applicants have substantial interests in the subject of this action which may be impeded or impaired by a decision in this suit and which are not adequately represented by the federal government or the State of Alabama. *Compare* Ex. 3, Hardy Decl. and Ex. 4, Hickson Decl. with Doc. 9, at 7-17. However, the Court “need not address whether the Proposed Defendant-

---

<sup>1</sup> In their reply in support of intervention, the Local Government Defendant-Intervenors noted that Applicants might also seek to intervene if intervention were granted. Doc. 17, at 2 n.2. So as not to disrupt the Court’s resolution of the federal government’s motion to dismiss and to avoid motions practice that might prove to be unnecessary were the Court to grant the motion, Applicants elected to wait until the Court decided the motion before moving to intervene.

Intervenors may intervene as a matter of right under Rule 24(a)" if it concludes that permissive intervention is appropriate. Doc. 53, at 3.

Thus, Applicants respectfully request entry of an Order granting permissive intervention under Rule 24(b) or, in the alternative, granting intervention as of right under Rule 24(a) and have attached a proposed order for the Court's convenience. *See* Ex. 5, [Proposed] Order.

Dated: August 12, 2019

Respectfully submitted,

/s/ Anil A. Mujumdar

**ZARZAU**

*Anil A. Mujumdar* (ASB-2004-L65M)  
2332 Second Avenue North  
Birmingham, Alabama 35203  
T: 205.983.7985  
F: 888.505.0523  
E: [anil@zarzaur.com](mailto:anil@zarzaur.com)

**LAWYERS' COMMITTEE FOR CIVIL  
RIGHTS UNDER LAW**

*Ezra D. Rosenberg* (admitted *pro hac vice*)  
*Dorian L. Spence* (admitted *pro hac vice*)  
1401 New York Avenue NW, Suite 400  
Washington, DC 20005  
Telephone: (202) 662-8600  
Facsimile: (202) 783-9857  
Email: [erosenburg@lawyerscommittee.org](mailto:erosenburg@lawyerscommittee.org)  
[dspence@lawyerscommittee.org](mailto:dspence@lawyerscommittee.org)

**DEMOCRACY FORWARD**

*Javier M. Guzman* (admitted *pro hac vice*)  
*Robin F. Thurston* (admitted *pro hac vice*)  
*John T. Lewis* (admitted *pro hac vice*)  
Democracy Forward Foundation  
P.O. Box 34553  
Washington, DC 20043  
Telephone: (202) 448-9090  
Email: [jguzman@democracyforward.org](mailto:jguzman@democracyforward.org)  
[rthurston@democracyforward.org](mailto:rthurston@democracyforward.org)  
[jlewis@democracyforward.org](mailto:jlewis@democracyforward.org)

*Attorneys for Applicants and for Defendant-  
Intervenors City of San José, California and  
King County, Washington*

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Steven T. Marshall  
Edmund G. LaCour  
Winfield J. Sinclair  
Brad A. Chynoweth  
James W. Davis  
OFFICE OF THE ATTORNEY GENERAL  
501 Washington Avenue  
P O Box 300152  
Montgomery, Alabama 36130-0152  
T: 334.242.7300  
F: 334.353.8440  
E: [jimdavis@ago.state.al.us](mailto:jimdavis@ago.state.al.us) / [elacour@ago.state.al.us](mailto:elacour@ago.state.al.us) / [bchynoweth@ago.state.al.us](mailto:bchynoweth@ago.state.al.us) / [smarshall@ago.state.al.us](mailto:smarshall@ago.state.al.us) / [wsinclair@ago.state.al.us](mailto:wsinclair@ago.state.al.us)

*Attorneys for the Plaintiff State of Alabama*

Brad P. Rosenberg  
U.S. DEPARTMENT OF JUSTICE  
Federal Programs Branch 1100 L Street, NW  
Washington, DC 20005  
T: 202.514.3374  
F: 202.616.8460  
E: [brad.rosenberg@usdoj.gov](mailto:brad.rosenberg@usdoj.gov)

*Attorney for Defendants United States Department of Commerce, Wilbur L. Ross, Bureau of the Census, Rod S. Jarmin, and Steven Dillingham*

Jyotin Hamid  
Lauren M. Dolecki  
Ming Ming Yang  
DEBEVOISE & PLIMPTON LLP  
919 Third Avenue  
New York, New York 10022  
T: 212.909.6000  
F: 212.909.6836  
E: [jhamid@debevoise.com](mailto:jhamid@debevoise.com) / [lmdolecki@debevoise.com](mailto:lmdolecki@debevoise.com) / [mmyang@debevoise.com](mailto:mmyang@debevoise.com)

Ryan M. Kusmin  
DEBEVOISE & PLIMPTON LLP  
801 Pennsylvania Avenue NW, Suite 500  
Washington, DC 20004  
T: 202.383.8000  
F: 202.383.8118  
E: [rmkusmin@debevoise.com](mailto:rmkusmin@debevoise.com)

*Attorneys for Defendant-Intervenors City of San José, California and King County, Washington*

Robert D. Segall  
COPELAND FRANCO SCREWS & GILL, P.A.  
Post Office Box 347  
Montgomery, Alabama 36101-0347  
T: 334.834.1180  
F: 334.834.3172  
E: [segall@copelandfranco.com](mailto:segall@copelandfranco.com)

James R. Williams, County Counsel  
Greta S. Hansen  
Raphael N. Rajendra  
Marcelo Quiñones  
Laura S. Trice  
OFFICE OF THE COUNTY COUNSEL COUNTY OF SANTA CLARA  
Office of the County Counsel  
County of Santa Clara  
70 West Hedding Street  
East Wing, 9th Floor  
San José, California 95110  
T: 408.299.5900  
F: 408.292.7240  
E: [raphael.rajendra@cco.sccgov.org](mailto:raphael.rajendra@cco.sccgov.org) / [marcelo.quinones@cco.sccgov.org](mailto:marcelo.quinones@cco.sccgov.org)

Jonathan Weissglass  
LAW OFFICE OF JONATHAN WEISSGLASS  
1939 Harrison Street, Suite 150-B  
Oakland, California 94612  
T: 510.836.4200  
E: [jonathan@weissglass.com](mailto:jonathan@weissglass.com)

*Attorneys for Defendant-Intervenor County of Santa Clara, California*

Thomas A. Saenz  
Julia A. Gomez  
Denise Marie Hulett  
Andrea E. Senteno  
MALDEF  
1016 16th Street, NW, Suite 100  
Washington, DC 20036  
T: 202.293.2849  
F: 202.293.2849  
E: [tsaenz@maldef.org](mailto:tsaenz@maldef.org) / [jgomez@maldef.org](mailto:jgomez@maldef.org) / [dhulett@maldef.org](mailto:dhulett@maldef.org) / [asenteno@maldef.org](mailto:asenteno@maldef.org)

W. Edward Still  
EDWARD STILL LAW FIRM LLC  
429 Green Springs Hwy Ste 161-304  
Birmingham, Alabama 35209  
T: 205.320.2882  
F: 205.320.2882  
E: [still@votelaw.com](mailto:still@votelaw.com)

James Uriah Blacksher  
JAMES U. BLACKSHER, ATTORNEY  
P.O. Box 636  
Birmingham, Alabama 35201  
T: 205.591.7238  
F: 866.845.4395  
E: [jblacksher@ns.sympatico.ca](mailto:jblacksher@ns.sympatico.ca)

*Attorneys for Intervenor-Defendants Diana Martinez, Raisa Sequeira, Saulo Corona, Irving Medina, Joey Cardenas, Florinda P. Chavez, and Chicanos Por La Causa*

Christopher J. Hajec  
Michael Hethmon  
Stephen Williams  
IMMIGRATION REFORM LAW INSTITUTE  
25 Massachusetts Avenue NW  
Suite 335  
Washington, DC 20001  
T: 202.232.5590  
F: 202.464.3590  
E: [chajec@irli.org](mailto:chajec@irli.org) / [mhethmon@irli.org](mailto:mhethmon@irli.org)

*Amicus Curiae*

Joyce White Vance  
101 Paul W. Bryant Drive  
Tuscaloosa, Alabama 35487  
T: 205.305.9511  
E: [jvance@law.ua.edu](mailto:jvance@law.ua.edu)

Barry A. Ragsdale  
SIROTE & PERMUTT, PC  
2311 Highland Avenue South Birmingham, Alabama 35205  
T: 205.930.5100  
F: 205.930.5101  
E: [bragsdale@sirote.com](mailto:bragsdale@sirote.com)

*Attorneys for the Proposed Defendant-Intervenors the States of New York, California, Colorado, Connecticut, Illinois, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia; the cities and counties of Cameron County, Texas; Central Falls, Rhode Island; Chicago, Illinois; Hidalgo County, Texas; Monterey County, California; New York, New York; Philadelphia, Pennsylvania; Providence, Rhode Island; and Seattle, Washington; and the United States Conference of Mayors*

I hereby certify that on August 12th, 2019, I served the foregoing on the following counsel not yet registered with the Court's CM/ECF system via email:

LETITIA JAMES  
*Attorney General of the State of New York*

Matthew Colangelo  
Elena Goldstein  
Elizabeth Morgan  
Ajay Saini  
OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL  
28 Liberty Street  
New York, New York 10005  
T: 212.416.6057  
E: [matthew.colangelo@ag.ny.gov](mailto:matthew.colangelo@ag.ny.gov)

*Attorneys for the State of New York*

Gabrielle D. Boutin  
Anthony R. Hakl  
R. Matthew Wise  
CALIFORNIA DEPARTMENT OF JUSTICE  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, California 94244-2550  
T: 916.210.6053  
E: gabrielle.boutin@doj.ca.gov

*Attorneys for the State of California*

Mark F. Kohler  
OFFICE OF THE ATTORNEY GENERAL  
55 Elm Street  
P.O. Box 120  
Hartford, Connecticut 06106  
T: 860.808.5020  
E: Mark.Kohler@ct.gov

*Attorney for the State of Connecticut*

Eric R. Olson  
ATTORNEY GENERAL OF THE STATE OF COLORADO  
1300 Broadway  
10th Floor  
Denver, Colorado 80203  
T: 720.508.6548  
E: eric.olson@coag.gov

*Attorney for the State of Colorado*

KARL A. RACINE  
*Attorney General for the District of Columbia*

Valerie M. Nannery  
OFFICE OF THE ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA  
441 4th Street, N.W., Suite 630  
South Washington, DC 20001  
T: 202.724.6610  
E: valerie.nannery@dc.gov

*Attorneys for the District of Columbia*

Jeff VanDam  
*Public Interest Counsel*  
Office of the Illinois Attorney General  
100 West Randolph Street, 12th Floor  
Chicago, Illinois 60601  
T: 312.814.1188  
E: JVanDam@atg.state.il.us

*Attorney for the State of Illinois*

Jacob Campion  
OFFICE OF THE MINNESOTA ATTORNEY GENERAL  
445 Minnesota Street, Suite 1100  
St. Paul, Minnesota 55101-2128  
T: 651.757.1459  
E: jacob.campion@ag.state.mn.us

*Attorney for the State of Minnesota*

GURBIR S. GREWAL  
*Attorney General of the State of New Jersey*

Glenn J. Moramarco  
Katherine A. Gregory  
OFFICE OF THE ATTORNEY GENERAL  
Richard J. Hughes Justice Complex  
25 Market Street, 8th Floor, West Wing  
Trenton, New Jersey 08625-0080  
T: 609.292.4925  
E: Glenn.Moramarco@law.njoag.gov

*Attorneys for the State of New Jersey*

Ann E. Lynch  
Miranda Cover  
MASSACHUSETTS ATTORNEY GENERAL'S OFFICE  
One Ashburton Place  
Boston, Massachusetts 02108  
T: 617.727.2200  
E: ann.lynch@mass.gov

*Attorneys for the Commonwealth of Massachusetts*

Heidi Parry Stern  
OFFICE OF THE NEVADA ATTORNEY GENERAL  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101  
T: 775.684.1100  
E: HStern@ag.nv.gov

*Attorney for the State of Nevada*

Nicholas M. Sydow  
Jennie Lusk  
ATTORNEY GENERAL OF NEW MEXICO, CIVIL RIGHTS BUREAU  
408 Galisteo Street  
Santa Fe, New Mexico 87501  
T: 505.490.4060  
Email: tmaestas@nmag.gov

*Attorneys for the State of New Mexico*

Nicole deFever  
Scott Kaplan  
OREGON DEPARTMENT OF JUSTICE  
1162 Court Street NE  
Salem, Oregon 97301  
T: 971.673.1800  
E: nicole.defever@doj.state.or.us

*Attorneys for the State of Oregon*

Benjamin D. Battles  
Julio A. Thompson  
OFFICE OF THE VERMONT ATTORNEY GENERAL  
109 State Street  
Montpelier, Vermont 05609-1001  
T: 802.828.5500  
E: Benjamin.Battles@vermont.gov

*Attorneys for the State of Vermont*

Laura K. Clinton  
Andrew R. W. Hughes  
ATTORNEY GENERAL OF THE STATE OF WASHINGTON  
Complex Litigation Division  
800 Fifth Avenue, Suite 2000  
Seattle, Washington 98104  
T: 206.233.3383  
E: LauraC5@atg.wa.gov

*Attorneys for the State of Washington*

Justin Sullivan  
ATTORNEY GENERAL OF THE STATE OF RHODE ISLAND  
150 South Main Street  
Providence, Rhode Island 02903  
T: 401.274.4400  
E: jjsullivan@riag.ri.gov

*Attorney for the State of Rhode Island*

Michelle S. Kallen  
Toby J. Heytens  
Martine E. Cicconi  
Brittany M. Jones  
OFFICE OF THE ATTORNEY GENERAL  
202 North Ninth Street  
Richmond, Virginia 23219  
T: 804.786.7240  
E: [SolicitorGeneral@oag.state.va.us](mailto:SolicitorGeneral@oag.state.va.us)

*Attorneys for the Commonwealth of Virginia*

Matthew Jerzyk  
CITY OF CENTRAL FALLS  
City of Central Falls  
580 Broad Street  
Central Falls, Rhode Island 02863  
T: 401.727.7422  
E: [MJerzyk@CentralFallsRI.us](mailto:MJerzyk@CentralFallsRI.us)

*Attorney for the City of Central Falls, Rhode Island*

Stephen Kane  
Rebecca Hirsch  
CITY OF CHICAGO LAW DEPARTMENT  
Affirmative Litigation Division 1  
21 N. LaSalle Street, Room 600  
Chicago, Illinois 60602  
T: 312.744.6934  
E: stephen.kane@cityofchicago.org

*Attorneys for the City of Chicago, Illinois*

Benjamin H. Field  
CITY OF PHILADELPHIA LAW DEPARTMENT  
1515 Arch Street, 17th Floor  
Philadelphia, Pennsylvania 19102  
T: 215.683.5003  
E: marcel.pratt@phila.gov

*Attorney for the City of Philadelphia*

Tonya Jenerette  
100 Church Street  
New York, New York 10007  
T: 212.356.4055  
E: tjeneret@law.nyc.gov

*Attorney for the City of New York, New York*

Jeffrey Dana  
CITY OF PROVIDENCE  
444 Westminster Street  
Providence, Rhode Island 02903  
T: 401.680.5333  
E: jdana@providenceri.gov

*Attorney for the City of Providence, Rhode Island*

Rolando L. Rios  
110 Broadway  
Suite 355  
San Antonio, Texas 78205  
T: 210.222.2102  
E: [rrios@rolandorioslaw.com](mailto:rrios@rolandorioslaw.com)

*Attorney for Cameron County, Texas and Hidalgo County, Texas*

William M. Litt  
OFFICE OF THE COUNTY COUNSEL, COUNTY OF MONTEREY  
168 West Alisal Street, 3rd Floor  
Salinas, California 93901  
T: 831.755.5045  
E: [McKeeCJ@co.monterey.ca.us](mailto:McKeeCJ@co.monterey.ca.us)

*Attorney for Monterey County, California*

John Daniel Reaves  
U.S. CONFERENCE OF MAYORS  
1750 K Street NW, 11th Floor  
Washington, DC 20006  
T: 202.887.1100  
E: [jdreavesoffice@gmail.com](mailto:jdreavesoffice@gmail.com)

*Attorney for the U.S. Conference of Mayors*

Richard Doyle  
Nora Frimann  
CITY OF SAN JOSÉ  
Office of the City Attorney  
200 East Santa Clara Street, 16th Floor  
San José, California 95113-1905  
T: 408.535.1900  
F: 408.998.3131  
E: [cao.main@sanjoseca.gov](mailto:cao.main@sanjoseca.gov)

*Attorneys for Defendant-Intervenor City of San José*

I hereby certify that on August 12th, 2019, I served the foregoing on the following *pro se* Plaintiff via the United States mail in a postage-prepaid and properly addressed envelope:

Morris J. Brooks, Jr.  
2101 W Clinton Avenue  
Suite 302  
Huntsville, Alabama 35805  
*Pro Se Plaintiff*